

REMARKS

I. The Section 103 Rejections of Claims 1, 3-10, 13 and 14

Claims 1, 3-10, 13 and 14 were rejected under 35 U.S.C. §103(a) based on Kim et al. ("Kim"), U.S. Patent 6,438,119 in further view of prior art allegedly disclosed in Applicants' application. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicants note the Examiner's admission that Kim does not disclose "a shared control channel". To make up for this deficiency the Examiner now relies upon disclosure in the instant application. However, as pointed out in the instant application existing shared control channels are not used as in the claims of the present invention. In particular, encoded signaling information within existing shared control channels is not separately decoded such that a portion of the encoded information is decoded to derive transmission format information for a corresponding data transmission before a remainder of the encoded information is decoded. Said another way, none of the cited references, taken separately or in combination, discloses or suggests the use of a shared control channel as in claims 1, 3-10, 13 and 14.

II. The Section 103 Rejections of Claims 11 and 12

Claims 11-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in combination with prior art allegedly disclosed in the instant application and in further view of Lee et al. ("Lee"), U.S. Patent

6,621,873. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicants note that Lee does not overcome the deficiencies of Kim and the prior art allegedly disclosed in the instant application discussed above with respect to claims 1, 3-10, 13 and 14. Therefore, for at least the reasons stated above, claims 11 and 12 are not rendered obvious by the combination of references relied upon by the Examiner.

Further, Applicants appreciate the Examiner's admission that Kim and the alleged prior art disclosed in the instant application fail to disclose or suggest the puncturing of bits from [a] portion of the encoded signaling information that is separately decoded [such that the puncturing] is less than the puncturing of bits from remaining encoded signaling information, as recited in claim 11, and similarly recited in claim 12. The Examiner relies on Lee to overcome this deficiency.

However, the Applicants respectfully submit that Lee does not suggest the claimed puncturing features because it appears that Lee is directed at puncturing "tail symbols" that do not appear to be part of signaling information; rather, they are used for error checking (i.e., parity checking). In the Office Action (page 2) the Examiner states that: "Lee teaches providing [a] different puncturing pattern on one frame period....Furthermore, Lee [discloses] that one portion of the frame is punctured and the other portion of the frame is not punctured." Whether this statement is accurate or not, the Applicants

respectfully submit that the Examiner has not addressed the position previously set forth by the Applicants and repeated herein, namely, that Lee does not appear to puncture signaling information as in claims 11 and 12 of the present invention.

Accordingly, Applicants respectfully request withdrawal of the pending rejections, and allowance of claims 11 and 12.

Should there be any outstanding matters that need to be resolved in the present application the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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BY 

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